G. R. S. 58]

Maybe preserved.

Previous references.
Legis 26-09-11 A.
— 16-13-S.

1915.16
(Court)

File No. 125-15

Serial Nos. 1—2

Later references.
Ch: 163-20 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2

Part B for Jan 16

SUBJECT.

Disposal of fees received under rule 27 of the rules under the village Courts Regn.

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27) To the Rev. Comr.
J 2490 of 22/12/15

states that the fees collected from the parties may be paid to the person who serves the processes.

W D 1351—GPB—20,000—13-12-15

Agreed
24.1.16.

G. R. S. 11] 1915-16.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 125-15

FILE HEADING.

Disposal of fees recovered under Rule 8 of the Rules under the Village Courts Regulation.

From

The Revenue Commissioner in Mysore.

No. 3294 Dated 3-9-15 Received 4-9-15.

Diary No. 9701	Enclos. 1	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for orders copy of a letter from the Dy Comr, Kadur & requesting instructions as to how the fees recovered under Rule 8 of the Rules under the Village Courts Regn should be disposed of.

NOTES AND ORDERS.

Fees recovered under rule 8 are probably meant to be paid to the person who serves the summons. Subd for orders. Rule 8 of the Rules are silent as to this question.

AHS 11-11-15.

Vkc

2) Please put up the file relating to the introduction of this Regn.

EB 24/11

Notes—First Sheet.

GPB—20,000—8-8-14

(2

G. R. S. 12]

General and Revenue Secretariat. | Cs File No. 125 of 1915-16.

Serial No.

Legis 26-09.

3) The point under reference does not seem to have been discussed in the file. The file is therewith submd.

Asst.
25-11-15.
DPL

Note continued

4) Section 28 of the Village Courts Regulation requires that summons served otherwise than by the village servant shall be at the expense of the party on whose behalf it is issued and the rate fixed are 1 anna for every witness or defendant within the local limits of the Court and 2 annas for a witness residing beyond the local limits.

5) In the case of ~~Additional~~ Civil Courts, there is a separate process establishment for executing processes. Process fee is paid in Court fee stamps and the amount realised is understood to be ~~more than~~ quite sufficient to cover the cost of the process establishment.

6) As there is no separate process establishment for Village Courts, the fee realised under rule 8 may perhaps be paid to the process server.

7) There is, however, a provision for employment of special agency for service of emergent and important processes issued by Civil Courts, the cost of which is disbursed

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

(3)

G. R. S. 12]

General and Revenue Secretariat. | Cl. File No. 125 of 1915-16

printed on page 113 of the Civil Digest * detached

Serial No.

to be drawn on pre-assessed bills (vide rule 4 in circular letter no 175 dated 6.9.1905 issued by the Chief Court). In Madras, the rule is that no special process-server should be entertained in Village Courts that have less than 200 suits per annum and that summonses issued in such courts be gratuitously served through the village servants.

vide page 23 of Vol II of Madras Rules & Orders

Subject to orders.

Mg. JRR. 30.11.15

8) Reading rules 9 & 10 as they stand, it seems clear that the fees referred to in S 8 of the Rules shall be leviable in cash but not in the form of Court fee labels, the object being that the man doing the Service must be paid for it. If this view is approved, the amount collected may be ordered to be paid to the man who did the Service.

9) But in order to minimise costs, an order of the kind issued by the Madras Govt seems necessary, so that a plaintiff may not burden the costs against the defendant by getting the process served by other wise than by a village Servant. If approved, this aspect of the question will be

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

701

(4

G. R. S. 12]

General and Revenue Secretariat.

Cf File No. 125 of 1915-16

List III

Serial No.

10) Separately considered.

Es
30/11

First Member)

10) On both points, I agree -

14/12/15

16/12/15

11) Draft-

Es
16/12

12) Draft to the Hon Com'r & Mrs.

13) After issue, the question referred to in para 9 will be separately dealt with.

Hy. Hill
17/12/15

14) Issue

Es
18/12

To The Hon. Comr. in response.

No. 2490 22-12-1915

States that the fees levied from the parties may be paid to the person who served the processes.

NOTE—Contn. sheet.

GPB—20,000—30-6-15

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Bangalore, 3 ~~1st~~ September 1915.

No. 3294/1

FROM

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Department
General

DIARY NO. 1701
1915-1916
Courts
125-15
GENERAL 1916
1

SIR,

I have the honor to forward herewith for favour of orders copy of letter No.122 dated 18th August 1915 from the Deputy Commissioner Kadur District requesting instructions as to how the fees recovered under Rule 8 of the Rules under the Village Courts Regulation should be disposed of.

Flag X
Legis 16-13-3

I have the honor to be,

Sir,

Your most obedient servant,

K Doraswamy

Revenue Commissioner.

V.M.R.

R. C. 4.

From

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
G e n e r a l *Department.*

Dated Bangalore, ~~1st~~ 3rd September
Despatched 1915.
Received
General No. 3294
Enclosure No. 1

SUBJECT.

Requesting instructions as to how the fees recovered under Rule 8 of the Rules under the Village Courts Regulation should be disposed of.

Letter No.122 dated 18th August 1915 from the Deputy Commissioner Kadur District to the Revenue Commissioner in Mysore, Bangalore.

Encls 6 cs
125-

I have the honor to state that the Village Munsiff at Mavinkere in the Mudgere Taluk has levied from parties in suits brought before him fees for service of summonses at the rates prescribed in Rule 8 of the Rules under the Village Courts Regulation published with Notification No.J. 2378/Legis.16-13-3 dated 18th February 1914 and has kept with him Rs 1-15-0 thus recovered in cash pending instructions as to the disposal of the amount. The Rule referred to was made in order to meet the provisions of Section 28 of the Regulation which says that summonses served by other than village servants shall be at the expense of the party on whose behalf they are issued. In the cases under reference a person named Subbanna who is other than a village servant is reported to have served the summonses. In this circumstance, instructions may kindly be issued as to how the fees should be disposed of whether by payment to the process server or otherwise.

"Copy"

For Revenue Commissioner.

V.M.R.

18/12

G.R.S. 26]

SUBJECT.....

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Diary No. of letter replied to.....

Section C5
File No. 125-15
Serial No. 2

General and Revenue Secretariat

( )

, the *191* .

No. J 2490.

Date of issue 22/12/1915.

Signed by Mr. G. Sreenivasa Iyy

To

The Rev Commr in Mysre

Sir,

Adverting to your letter No 3294, dated 30th Sep 1915, forwarding for the orders of Govt copy of a letter from the Dy Comr, Kadur Dist., requesting instructions as to how the fee, received under Rule 8 of the Rules under the Village Comts Regulation should be disposed, I am directed to state that

over.

the fees levied from the parties
may be paid to the person
who served the processes.

I have to
Sd/17/
I am Sir
Your obt
Servt

Secy. HC
17.12.15

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14